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No. Rel. 529—L. C. 12-29-1, dated 7th January 1930.

In exercise of the powers vested in them under Section 6 of the Mysore Legislative Council Regulation XIX of 1923, the Government of His Highness the Maharaja are pleased to make the following rules to regulate the conduct of elections to the Legislative Council, in supersession of the existing rules on the subject :—

A. RURAL CONSTITUENCIES.

1. Whenever a General Election to the Legislative Council or an election to fill up a casual vacancy is to be held, the Government shall fix a date and shall by notification in the official Gazette, not less than six weeks previous to the date fixed for the election and in such other manner as they may decide, give due publicity of such date.

2. Such of the eligible persons as wish to stand for election shall each deposit or cause to be deposited in a Government Treasury a sum of Rs. 250 in cash and forward the treasury receipt along with their notice of candidature which shall be in writing to the Deputy Commissioner within such time as may be fixed by Government. No notice of candidature shall be valid unless accompanied by the Treasury receipt as aforesaid.

3. (*a*) The Deputy Commissioner shall, if he is satisfied that such persons are eligible to stand for election, prepare a list of such candidates and shall have it posted up under his signature in his office.

(*b*) The Deputy Commissioner may assign to each such candidate a symbol and publish it against the candidate's name in the list referred to above.

(*c*) A candidate may withdraw his candidature by intimation in writing subscribed by him and delivered to the Deputy Commissioner at or before 3 o'clock in the afternoon of the next day after the publication of the list of candidates under sub-rule (*a*).

(*d*) The names of candidates who have so withdrawn their candidature shall be posted up under the signature of the Deputy Commissioner in his office. A list showing the names of those standing for election with the symbols if any, assigned to them and, if there are two or more candidates bearing the same name, with distinguishing particulars such as occupation, etc., shall be posted up likewise and shall also be published in the official Gazette by the Deputy Commissioner.

4. If a candidate by whom or on whose behalf the deposit referred to in rule 2 has been made withdraws his candidature in the manner and within the time prescribed in rule 3 (*c*) or if his candidature is rejected by the officer authorized to receive notices of candidature, the deposit shall be returned to the person by whom it was made.

5. If a person whose candidature has been published under sub-rule (*d*) of Rule 3 becomes disqualified, or dies, or withdraws his candidature before the poll has commenced, the Returning Officer shall, on being satisfied as to the fact of such disqualification, death or withdrawal notify the fact at the polling station.

6. If a candidate dies or becomes disqualified before the commencement of the poll, the deposit, if made by him, shall be returned to his legal representative, or if not made by the candidate shall be returned to the person by whom it was made or to the legal representative of such person. Deposits made by candidates who withdraw their candidature after the time prescribed in Rule 3 (*c*) shall be forfeited to Government.

7. A candidate who has withdrawn his candidature shall not be allowed to cancel his withdrawal.

8. (*a*) If only one candidate stands for election, he shall be declared duly elected.

(*b*) If there are more candidates than are to be returned by the constituency, the names of the candidates notified under Rule 5 shall be struck out in the voting papers and a poll shall be taken.

9. There may be more than one polling centre in each constituency and the polling shall take place at such centres and at such hours as may be notified by the Deputy Commissioner and it shall be conducted by an Amildar or Deputy Amildar or such other person as may be nominated by the Deputy Commissioner. The Deputy Commissioner will nominate four non-officials to be associated with the polling officer for assisting him in conducting the poll.

10. Electors must vote in person.

11. Every elector is entitled to give one vote.

12. Where owing to his employment for any purpose in connection with the election, an elector for any constituency is unable to vote at the particular polling station at which he is required to record his vote, he may be authorized by the Returning Officer of the Station at which he is employed by a certificate in the following form to vote at any other polling station in the constituency. This should be duly forwarded in a sealed cover to the polling officer of the station concerned.

FORM.

Certified that ..... entitled to vote at ..... has been employed by me in connection with the election and is prevented from voting at the said station and that I have therefore authorized him to vote at.....

Signature of the Returning Officer.

13. (*a*) The elector shall proceed to a place screened from observation which shall be provided by the polling officer and there mark his vote on the voting paper in accordance with the instructions contained therein.

(*b*) The instructions which will be in Kannada should be clearly explained to any elector requiring such explanation.

(*c*) If an elector is unable to read or write or is by reason of blindness or other physical defect, incapacitated from recording his vote in the manner prescribed, the polling officer may assist him, if so desired, in marking the vote on the voting paper and a record of the same shall be made on the voting paper and attested by the polling officer.

(*d*) The voting paper should be folded and closed and put into the voting box by the voter himself.

(*e*) Any vote which is not recorded in accordance with the foregoing instructions shall be declared invalid.

14. Any ballot paper which is not duly marked or on which votes are given to more candidates than there are members to be elected shall be invalid. If there are more marks than one against any candidate, they shall count as only one. If the mark or any one of the marks is so placed as to render it doubtful to which candidate such mark is intended to apply, the vote recorded shall be invalid.

15. A voter who has inadvertently dealt with his voting paper in such a manner that it cannot conveniently be used for the purpose, may obtain another voting paper in place of the spoilt paper, the latter together with its counterfoil being marked as cancelled.

16. The ballot box shall be so constructed that the voting paper can be introduced, but not extracted without the box being unlocked and it shall be securely sealed by the polling officer with his seal.

17. The polling officer shall satisfy himself as to the identity of the person tendering votes and may disallow the vote of any person who declines to answer any reasonable question put to him for this purpose or whose identity is not established to his satisfaction. He is also responsible for seeing that the votes are recorded with absolute secrecy, that no person who is not entitled to vote is admitted near the voting table and that persons who have recorded their votes leave the place immediately.

18. After the close of the poll, the polling officer shall have the box sealed with his own seal as well as those of such of the candidates or their agents as may wish to do so and arrange for their safe custody until such time as the box is despatched to the Deputy Commissioner.

19. (i) The box aforesaid shall be opened in a place to which candidates or their agents shall have access.

(ii) The votes shall be scrutinised and those that are valid counted by such persons as the Deputy Commissioner appoints in this behalf.

(iii) If there is an equal number of votes in favour of each of two or more candidates, and the addition of one vote will entitle any of the candidates to be declared elected, the determination of the person to whom such one additional vote shall be deemed to have been given, shall be made by lot to be drawn in the presence of the Deputy Commissioner in such manner as he may deem fit.

20. The results of every election shall be certified by the Deputy Commissioner who shall report the same to Government for being notified in the official Gazette.

21. If any person is elected by more than one constituency, he shall by notice in writing signed by him and delivered to the Secretary to Government, Law Department, within seven days from the date of publication of the results of such election in the Gazette, choose for which one of those constituencies he shall serve and the choice shall be final.

22. When any such choice has been made, Government shall call upon the constituency or the constituencies concerned for which such person has not chosen to serve to elect another person.

23. If the candidate does not make the choice as required by rule 21, the election of such person shall be void and all the deposits made by him under Rule 2 shall be forfeited to the Government and the Government shall call upon each of the constituencies concerned to elect another person.

24. If any candidate by whom or on whose behalf the deposit referred to in Rule 2 has been made is not elected and the number of votes polled by him does not exceed one-eighth of the total number of votes polled, the deposit shall be forfeited to Government.

25. The deposit made in respect of a candidate who is not elected, if it is not forfeited under Rule 24 shall be returned to him or to the person who has made the deposit on his behalf or to their legal representatives, as the case may be, after the publication of the result of the election in the Gazette, provided that if a candidate has stood for election in more than two constituencies, not more than two of the deposits made by him or on his behalf shall be returned in any case and the remainder shall be forfeited to Government.

26. If a candidate by whom or on whose behalf the deposit referred to in Rule 2 has been made is elected and thereafter his seat is declared vacant owing to his failure to make the prescribed oath or affirmation, the deposit shall be forfeited to Government.

27. The deposit made in respect of a candidate who is elected, if it is not forfeited under Rule 26, shall be returned in the manner provided in Rule 25 after he has taken his seat in the Legislative Council.

28. When the voting papers have been scrutinised, they shall be replaced in the box and the box after being locked and sealed by the Deputy Commissioner shall be kept by him in safe custody for a period of three months from the date of publication of the result of the election in the official Gazette.

29. The voting papers shall be destroyed on the expiry of three months from the said date or if a petition regarding the validity of the election is presented to the District Judge and such petition is not finally disposed of before the expiry of the abovesaid three months, then after such petition has been finally disposed of.

30. On the presentation of a petition regarding the validity of an election, the District Judge shall give notice of the fact to the Deputy Commissioner and direct the voting papers to be preserved pending the final disposal of the petition and produced before him when required.

31. The foregoing rules relating to the conduct of elections in rural constituencies shall apply, so far as they may be applicable, to other constituencies with the following modifications :—

(*a*) URBAN CONSTITUENCIES.

32. (*a*) The authority to whom the candidates should notify their intention to stand for election shall be the Municipal Commissioner for the Bangalore City Urban Constituency and the President of the Mysore City Municipal Council for the Mysore City Urban Constituency and they may assign to each candidate a symbol and publish it against the candidate's name in the list of candidates prepared under rule 3 (*d*).

(*b*) The polling officers shall be the officers mentioned in sub-rule (*a*) provided that when there are more polling stations than one, they may appoint any officer or a member of the Municipal Council who is not a candidate as polling officer for every such station.

(*c*) The officers referred to in sub-rule (*a*) shall report to the Government the results of every election for being notified in the Gazette.

(*b*) PLANTING CONSTITUENCY.

33. (1) Elections from the Planting Interest shall be held on such date and at such time and place as may be notified in the official Gazette in this behalf.

(2) Such of the persons whose names have been registered on the electoral roll for the constituency and who are desirous of standing for election shall intimate the fact in writing to the officer appointed by the Government for the purpose so as to reach him not later than twenty days before the date fixed for the election.

(3) Within three days after the date fixed for the receipt of the applications, the said officer shall prepare a list of such candidates and shall forward copies of the same to the Amildars and Deputy Amildars for being posted up in a conspicuous place in their offices. The list shall also be published in the official Gazette.

(4) Not later than fourteen days before the date fixed for the election, the officer shall send to each person registered on the electoral roll, a voting paper and a declaration paper in the manner prescribed in Rules 37 to 41. The voting paper may also be supplied likewise to any elector on his applying to the officer at any time before the date of election.

No election shall be deemed invalid by reason of the non-receipt of such voting paper by any elector, provided that a voting paper has been sent to him in accordance with this sub-rule.

(5) An elector may record his vote in person before the said officer at the time and place appointed or in accordance with rule 43.

(6) The said officer shall count the votes and submit to the Government in a sealed cover the voting papers, together with a report duly signed by him showing the names of the candidates voted for and the number of votes secured by each such candidate.

(7) The candidate who has secured the largest number of votes shall be declared duly elected and his name notified in the official Gazette.

(*c*) MYSORE UNIVERSITY.

34. (1) Elections from the Mysore University Constituency shall be held on such date and at such place and time as may be notified by the Registrar of the University in the official Gazette, in this behalf.

(2) The Registrar shall prepare a roll in English of all Fellows of the University and graduates of not less than seven years' standing who have been registered under Ordinance 94 of the Mysore University Ordinances and publish it in the official Gazette. Copies of the roll shall be sent by the Registrar to such of the Fellows and registered graduates aforesaid as have their ordinary place of residence outside the State.

(3) Such of the Fellows of the University as are qualified and desirous of standing for election shall intimate the fact in writing to the registrar so as to reach him not later than twenty days before the date fixed for the election.

(4) Within three days after the receipt of the above applications, the Registrar shall prepare a list of such candidates and shall post it up in a conspicuous place in his office. The list shall also be published in the official Gazette and copies of the list sent to such of the Fellows and registered graduates aforesaid as have their ordinary place of residence outside the State.

(5) The Registrar shall then send not less than fourteen days before the day fixed for the election to each Fellow of the University and registered graduate aforesaid not residing in the Mysore City, a voting paper and a declaration paper in the manner prescribed in Rules 37 to 41. The voting paper may also be supplied to any elector on his applying to the Registrar at any time before the date of election.

No election shall be deemed invalid by reason of non-receipt of such voting paper by any elector, provided that a voting paper has been sent to him in accordance with this rule.

(6) An elector may record his vote either in person before the Registrar at the time and place appointed or in accordance with rule 43.

(7) The Registrar shall, in the presence of two Fellows other than those who have stood for election, to be deputed by Vice-Chancellor count the votes and submit to the Government in a sealed cover the voting papers together with a report duly signed by him and the Fellows so deputed, showing the names of the candidates voted for and the number of votes secured by each such candidate.

(8). The candidate who has secured the largest number of votes shall be declared duly elected and his name notified in the official Gazette.

(*d*). OTHER SPECIAL INTERESTS.

35. The election of the members representing other special interests enumerated in Part III of the second schedule to the Mysore Legislative Council Regulation XIX of 1923, shall be made by the constituencies returning such members under Notification No. P. 2403—Legis. 13-23-3, dated 7th November 1923 in the same manner and shall be subject to the same conditions as elections to the Representative Assembly by Associations under Notification No. Rel. 527—R. A. 38-29-1, dated 6th January 1930.

(*e*). REPRESENTATIVE ASSEMBLY.

36. (1) The election of members by the Representative Assembly to the Legislative Council shall be conducted at a meeting of the Assembly on such date, in such place and at such time as may be previously notified by Government in this behalf.

(2). Members of the Assembly who desire to stand for election shall intimate the fact in writing to the Secretary to the Legislative Council not later than three days before the date fixed for the election.

(3). The names of the candidates who have signified their intention to stand for election shall be notified by a list of such names being posted in a conspicuous place in the Assembly Hall not later than one day before the date fixed for the election.

(4). The voting shall be by ballot.

(5). The Secretary of the Representative Assembly or such other officer as may be deputed by Government in that behalf shall conduct the election, count the votes and submit a report to Government with the names of the candidates voted for and the total number of votes secured by each candidate.

(6). The candidates who have secured the largest number of votes shall be considered elected and their names shall be notified by Government in the official Gazette and shall also be posted in a conspicuous place in the Assembly Hall, if the Assembly is sitting.

VOTING BY PERSONS SUPPLIED WITH VOTING PAPERS BY POST.

37. In cases in which voting papers are to be supplied by post under the foregoing rules, the Returning Officer shall issue through post a declaration paper and a voting paper to each elector to the address entered against his name in the electoral roll unless the elector has since the publication of the roll, changed his address and intimated the fact in writing to the Returning Officer.

38. The declaration paper shall be in Form I and the voting paper in Form II. They shall be printed in Kannada and English. The same serial number shall be entered on the face of the declaration paper and on the back of the voting paper. To each voter shall be issued the declaration paper and the voting paper whose serial numbers corresponed to the number which the voter bears on the electoral roll.

39. When the declaration and the voting papers are issued to an elector, the Returning Officer shall—

(*a*) note the fact in the voting paper as well as in the counterfoil under his signature,

(*b*) have the name of the elector entered on the declaration paper, and

(*c*) place his initials against the name of the elector concerned in the electoral roll, or the copy of it to be used for the purpose of the election.

40. With the declaration and voting papers, the Returning Officer shall send in an envelope addressed to himself in Form III, a smaller envelope with the number

of the voting paper entered on its face and a letter in Form IV. The Returning Officer shall have the number of the declaration and voting papers entered at the left hand bottom corner of the envelope in Form III.

41. An elector who has not received his declaration and voting papers or whose papers have been inadvertently spoilt in such manner that they cannot be conveniently used or who has lost his papers may, on transmitting to the Returning Officer a declaration to that effect signed by himself, require the Returning Officer to send him fresh papers in place of those not received, spoilt or lost and if the papers have been spoilt, the spoilt papers shall be returned to the Returning Officer who shall cancel them on receipt. In every case in which fresh papers are issued, a mark shall be placed against the number of the elector's name in the roll to denote that duplicate papers have been issued in place of those not received, spoilt or lost.

No duplicate voting paper shall be supplied to a voter, to whom a voting paper has been sent by post, otherwise than under this rule.

42. No election shall be invalid by reason that an elector has not received a voting paper provided that a voting paper has been issued to him in accordance with these rules.

43 (i). The electors to whom voting papers have been supplied by post may record their votes before any Amildar, Deputy Amildar, Taluk Sheristedar or Sub-Registrar in the service of the Government of Mysore or any polling officer for any constituency between the hours and on the date fixed for the election.

(ii) Such officer shall, after satisfying himself as to the identity of the elector, allow the elector to record his vote.

(iii) Every such elector shall, in the presence of the said officer fill in the declaration paper and affix his signature thereto. He shall then enclose the voting paper in the smaller envelope and stick it up and enclose the smaller envelope and the declaration paper in the larger envelope and hand it over to the said officer who shall then forward such declaration papers and sealed covers forthwith in a sealed envelope to the Returning Officer of the constituency concerned.

44. Such envelopes received by the Returning Officer shall first be arranged serially according to the numbers entered on them and shall then be opened by the Returning Officer or in his presence. The Returning Officer shall first examine or cause to be examined whether the numbers on the declaration papers and the envelopes containing the voting papers are correct. If the Returning Officer is satisfied on this point and if the declaration is *prima facie* regular, he shall file the declaration paper and put the envelopes containing the connected voting papers in a separate heap.

45. Where the Returning Officer is not satisfied that a declaration paper is the one sent out by him to the voter concerned or where the declaration is not in order, he shall endorse the word "rejected" on the back of the declaration paper and keep it with the connected voting papers in a separate bundle.

46. The envelopes containing the voting papers except those rejected under Rule 45 shall then be opened, the papers examined, together with those, if any, deposited in the ballot box and the votes counted by the Returning Officer or under his supervision.

47. (*a*) The Returning Officer shall endorse the word "rejected" on every voting paper that he rejects and, where the rejection order is questioned by any candidate or agent, give brief reason for his order. Rejected voting papers shall be kept separate.

(*b*) After the Returning Officer has completed the scrutiny and counting, he shall record the votes secured by each of the candidates in Form V and submit the result to the Government who will declare the election of the successful candidate or candidates.

GENERAL.

48. (1) The Government may, in special cases, exempt candidates belonging to depressed classes and candidates standing on behalf of Special Interests or Minorities from making the deposit referred to in Rule 2.

(2) The deposit when returnable under the foregoing rules shall, in the case of single association constituencies, be refunded only with the sanction of the Deputy Commissioner of the District in which the election has been held.

By Order,

P. MAHADEVAYYA,

Secretary to Government, Law Department.